

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE EXECUTIVE AND REGULAR SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
April 16, 2009**

Mayor Schlum called the Executive Session to order at 5:02 p.m.

AGENDA ITEM #1 – ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION: PURSUANT TO A.R.S. §38-431.03.A(1) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DEMOTION, DISMISSAL, SALARIES DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY, EXCEPT THAT, WITH THE EXCEPTION OF SALARY DISCUSSIONS, AN OFFICER, APPOINTEE OR EMPLOYEE WITH WRITTEN NOTICE OF THE EXECUTIVE SESSION AS IS APPROPRIATE BUT NOT LESS THAN TWENTY-FOUR HOURS FOR THE OFFICER, APPOINTEE OR EMPLOYEE TO DETERMINE WHETHER THE DISCUSSION OR CONSIDERATION SHOULD OCCUR AT A PUBLIC MEETING. (SPECIFICALLY, INTERVIEWING APPLICANTS FOR POSSIBLE SERVICE ON THE PARKS AND RECREATION COMMISSION AND BEGINNING THE TOWN MANAGER ANNUAL EVALUATION PROCESS.)

ROLL CALL – Present for roll call were the following members of the Fountain Hills Town Council: Mayor Schlum, Vice Mayor Archambault, Councilmember Hansen, Councilmember Contino, Councilmember Leger and Councilmember Dickey. Town Attorney Andrew McGuire and Recording Secretary Shaunna Williams were also present.

Mayor Schlum adjourned the Executive Session at 6:20 p.m.

AGENDA ITEM #2 – RETURN TO REGULAR SESSION

*** CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Schlum called the meeting to order at 6:34 p.m.

*** INVOCATION** – Pastor David Felton, The Fountains Methodist Church

*** ROLL CALL**

Present for roll call were the following members of the Fountain Hills Town Council: Mayor Schlum, Vice Mayor Archambault, Councilmember Hansen, Councilmember Contino, Councilmember Leger, and Councilmember Dickey. Town Manager Rick Davis, Town Attorney Andrew McGuire and Acting Town Clerk Janice Baxter were also present.

*** MAYOR'S REPORT**

None.

SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS

(i) PRESENTATION BY LAWRENCE ODLE, DIRECTOR, MARICOPA COUNTY AIR QUALITY DEPARTMENT.

Mayor Schlum advised that members of the Council were able to view the equipment located out in the parking lot prior to the meeting (equipment that looks for PM-10 particulates, including dust) and also toured a newer trailer that checks for ozone. The Mayor introduced Lawrence Odle, Director of the Maricopa County Air Quality Department and welcomed him to the Town.

Mr. Odle highlighted a brief presentation relative to the Air Quality Program (a complete copy is on file in the office of the Town Clerk) and noted that Arizona is the 24th highest carbon dioxide polluting state in the United States. He noted that each Arizona resident produces 17 tons of carbon dioxide annually and reported that there is approximately 68 million tons of carbon dioxide in Maricopa County.

Discussion ensued relative to health problems attributable to air pollution; monies spent on an annual basis to combat this problem; estimated annual air pollution healthcare costs (\$1.5 billion annually); the fact that Maricopa County is allowed 3 exceedance days within a 3-year period and over the past 3.4 years the County has had 53 exceedance days; PM-10 control emissions/measures; resulting consequences, including the loss of more than \$7 billion for transportation project funding and increasingly stringent air quality regulations; goals including decreasing the number of days the County exceeds the standard; engaging everyone to take action; meeting the requirements laid out in SB 1552; the importance of reducing particulate pollution emissions by 5% each year until attainment is achieved (5% Plan); efforts being expended to achieve the 5% Plan; the importance of public outreach, education and communication; the County's desire to bring a Fountain Hill's Clean Air Ambassador on board to be the local expert, provide leadership in developing local outreach efforts, carry out local efforts on behalf of the program, conduct community presentations and create awareness for air quality issues/permits; the County's request that the Town add a "Clean Air - Make More" link on the Town's website and e-mail it to the Town's residents, and the importance of the Town making the Clean Air commitment. Mr. Odle aired a brief video clip that actually allowed viewers to see the air pollution. He stressed the fact that each person can make a difference.

Mayor Schlum thanked Mr. Odle for his informative presentation and for allowing the Council to view the new equipment. He said that it is good to hear that the County is looking for Ambassadors and said that he is sure that the Town has an abundance of citizens who would be willing to volunteer for such a worthy cause. He added that the link previously discussed will be placed on the Town's website if it is not already there and indicated that the Town will look into mitigation funding.

Councilmember Dickey also thanked Mr. Odle for his presentation and reported that the Town of Fountain Hills has taken a lot of steps in this important area. She said that she wanted to go back to SB 1552 and stated that Mr. Odle and others at Maricopa County should take credit for this because it was something that they did receive considerable "pushback" on from some of the communities. She reported that this is a plan that they came up with locally and it would have been imposed upon them so the 5% Plan, which had a lot of partners and people working on it for a long time, came up with the type of goals that they thought they could accomplish and they must accomplish. She discussed the fact that the Town has implemented "Green Fridays" and added that they now have an Environmental Specialist on staff. She noted that all of the paperwork at Town Hall is duplex copied and they have blue bins everywhere. Councilmember Dickey said that several of the Town's vehicles are hybrids and many of the Town's alleys have been paved. She referred to the mobile unit and stated that on high pollution days everyone is aware of the fact that there are more asthma attacks and things that affect our children and stated that that type of a tool is very helpful. She thanked Maricopa County for that and other efforts that they are initiating to fight air pollution and its effects on everyone. Councilmember Dickey said that every little thing we do improves our health, protects the environment and preserves Federal funding.

Mayor Schlum thanked Councilmember Dickey on her comments relative to air quality.

Mr. Odle once again addressed the Council and reported that the equipment is fairly new and is going through a "shake down period" that will last several months before it is actually put into the field. He noted that the

equipment is very sensitive and said that the only thing worse than no data is bad data so they are very cautious about that and do not want to jeopardize the quality in that important area. He said that he hopes to have the equipment back in Town by the end of year with additional data.

Mayor Schlum advised that if citizens want to obtain additional information, they should go to the www.cleanairmakemore.com website.

ii) PRESENTATION BY ROY KINSEY, CHAIR OF THE SONORAN CONSERVANCY, REGARDING A PLAQUE TO BE PLACED PERMANENTLY IN THE MCDOWELL MOUNTAIN PRESERVE THAT IDENTIFIES VIEWS FROM THE PRESERVE.

Mr. Kinsey addressed the Council and said that he is present to represent the Friends of the Sonoran Conservancy of Fountain Hills - the people who over the years have contributed to the support of the preservation movement in Town. He presented the Council with a plaque that shows the views that can be seen from the Preserve (Mr. Kinsey referred to slides depicting the views that are on file in the office of the Town Clerk). He noted that the Fountain can be clearly seen and the Superstition Mountains as well. Mr. Kinsey noted that Mayor Schlum helped with the creation of the plaque and expressed appreciation to him. He noted that the Town overlook trail (the first trail built by the Conservancy volunteers) is the most popular trail and noted that the bronze plaque will be placed on top of that trail for all to see. He said that the group is presenting the plaque to the Town this evening and then will take it and bring it over to the Community Center for the next three weeks and encouraged residents to view it at that location before it is placed at the top of the trail.

Mayor Schlum thanked Mr. Kinsey and the members of the Sonoran Conservancy for the plaque and said that it is a very informative piece and will be enjoyed by many for years to come.

CALL TO THE PUBLIC

None.

CONSENT AGENDA

AGENDA ITEM #1 – CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM APRIL 2, 2009.

AGENDA ITEM #2 – CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY WILLIAM LEE KLEIN (AMERICAN LEGION POST #58) LOCATED AT 16857 E. PARKVIEW AVENUE, FOUNTAIN HILLS.

AGENDA ITEM #3 – CONSIDERATION OF APPROVING A LIQUOR LICENSE APPLICATION SUBMITTED BY PHYLLIS KERN (PHILLY'S KRAZY HORSE, L.L.C.) LOCATED AT 16726 E. EL PUEBLO BOULEVARD, FOUNTAIN HILLS. THIS IS FOR A CLASS 12 LIQUOR LICENSE FOR A RESTAURANT.

AGENDA ITEM #4 – CONSIDERATION OF RESOLUTION 2009-13, APPROVING A REVISED TOWN OF FOUNTAIN HILLS EMERGENCY OPERATIONS PLAN.

Councilmember Leger **MOVED** to approve the Consent Agenda as listed and Councilmember Dickey **SECONDED** the motion.

A roll call vote was taken with the following results:

Vice Mayor Archambault	Aye
Councilmember Hansen	Aye
Councilmember Contino	Aye
Councilmember Leger	Aye
Councilmember Dickey	Aye
Mayor Schlum	Aye

Mayor Schlum declared the motion **CARRIED UNANIMOUSLY** (6-0).

REGULAR AGENDA

AGENDA ITEM #5 – CONSIDERATION OF DIRECTING THE STRATEGIC PLANNING ADVISORY COMMISSION (SPAC) TO PROCEED FORWARD WITH THE 2010 UPDATE OF THE TOWN OF FOUNTAIN HILLS STRATEGIC PLAN AS DIRECTED IN THE DRAFT PUBLIC INVOLVEMENT PLAN DATED MARCH 31, 2009.

Town Manager Rick Davis addressed the Council relative to this agenda item and reported that at the last joint meeting with the Strategic Planning Advisory Commission (SPAC) a Plan was laid out that outlined how SPAC proposes to revamp or revisit the Town's Strategic Plan. He noted that the current Plan lasts until 2010 and so a new one must be adopted. He said that there will be no fiscal impact and added that Councilmember Leger reminded him that although the proposal is simply that, a proposal, some funding must be provided for the SPAC in the next budget (approximately \$20,000) to execute the Plan. He added that it is in proposal form in the new budget but not in the current budget. Mr. Davis indicated his willingness to respond to questions from the Council.

Recording Secretary Janice Baxter advised that one citizens wished to address the Council relative to this agenda item.

Robert ("Bob") Deppe, 16247 N. Boulder Drive, addressed the Council relative to this agenda item and stated that his bottom line is that he thinks the Plan is a joke. He said that it says that the current Plan did not ensure a comprehensive dialogue with the entire community and they can resolve that through the ability to provide input through the electronic media. He stated that a recent example of this might be the trash hauler issue and input to the website - they had 300 replies and he recalls that they had the same number of people at the public forums sponsored by the original Strategic Plan initiative a few years ago. He expressed the opinion that electronic media is not going to improve participation and added that 300 replies is probably the maximum number of responses they are ever going to get in this Town. He added that the Strategic Plan was supported by a statistically valid sampling of Fountain Hills citizens (what they wanted and did not want) and this Plan does not include such a vehicle. He said that the Plan allows for the Commission to come up with its own conclusions and stated the opinion that he would guess that means one that supports spending projects that were defeated last time. He added that coincidentally it ends March 2010, just in time to add a property tax proposal for the Fall elections that will be desperately needed to support all of the projects that the citizens now want to theoretically support. He also asked whether anyone was concerned about the costs associated with the current economically depressed times and said that that this will require a large amount of Town staff for meeting rooms, supplies and publication expenses. He stated that if the staff has time to support this then they have too much staff. He emphasized the importance of saving money rather than finding ways to spend it. He recommended that the Council not support any review until the economy improves and added that they should not support any Plan that does not have statistically valid controls on it.

Mayor Schlum thanked Mr. Deppe for his comments.

Vice Mayor Archambault **MOVED** to direct the Strategic Planning Advisory Commission (SPAC) to proceed forward with the 2010 update of the Town of Fountain Hills Strategic Plan as discussed above and Councilmember Hansen **SECONDED** the motion.

Councilmember Hansen requested that Town Manager Rick Davis provide an overview of what the \$20,000 will be used for and he explained that the money will be utilized for meetings, activities, materials, data collection efforts, etc. He added that it will be absolutely necessary for the Town to conduct the outreach efforts in order to accomplish this. He said that one thing about this Plan that is an improvement over similar past efforts is that the SPAC is actually going to go out to the people and not just hold events and hope that the people show up. He noted that there will be expenses associated with trying to execute this public outreach program. He confirmed that if the full amount is not needed it will not be spent.

The motion **CARRIED UNANIMOUSLY** (6-0).

AGENDA ITEM #6 – QUARTERLY UPDATE BY THE TOWN MANAGER ON IMPLEMENTING THE COUNCIL’S GOALS FOR FY2008-09

Town Manager Rick Davis stated that during the goal setting Retreat on February 2008, similar to this year's Retreat, the Council identified eight primary goals for this current year. He added that a second Retreat was held with management staff to develop specific implementation plans and identify resources necessary to carry out the goals established by the Council. Mr. Davis said that he is pleased to report that staff is well on track to realizing the goals that were set in the 2008-09 budget and noted that the exception would be the goal related to the development of the Ellman property, which will be considered by the Court on April 20th. He said that he looks forward to working with the Council to implement and realize the 13 goals that the Council set for the coming budget year.

Mayor Schlum thanked Mr. Davis for the update.

AGENDA ITEM #7 – COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER

Items listed below are related only to the propriety of (i) placing such items on a future agenda for action or (ii) directing staff to conduct further research and report back to the Council.

A. *NONE*

AGENDA ITEM #8 – SUMMARY OF COUNCIL REQUESTS BY AND REPORT ON RECENT ACTIVITIES BY THE TOWN MANAGER

Mayor Schlum referred to the discussion from the Clean Air representatives and the request to get their link on the Town's website relative to air quality.

Mr. Davis added that he will provide some direction to Planning, particularly the Town's Environmental Planner, to also seek out pollution mitigation funding as part of the Town's overall strategy. He said that staff will report on their findings at a future time. He added that he will meet with Ms. Decker to see how they can partner with DEQ in an effort to get some of this material out to the public.

Mayor Schlum advised that the Town's beloved Keith McMahan's service will be held on Thursday, April 23rd at Christ's Church at 4:00 p.m. He said that the community is invited to attend that as well as a Community Center reception at 5:00 p.m. in the lobby of the Center.

AGENDA ITEM #9 - ADJOURNMENT

Councilmember Leger **MOVED** to adjourn the meeting and Councilmember Contino **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (6-0). The meeting adjourned at 7:17 p.m.

TOWN OF FOUNTAIN HILLS

By _____
Jay T. Schlum, Mayor

ATTEST AND
PREPARED BY:

Janice Baxter, Acting Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Executive and Regular Session held by the Town Council of Fountain Hills on the 16th day of April 2009. I further certify that the meeting was duly called and that a quorum was present.

DATED this 7th day of May 2009.

Jancie Baxter, Acting Town Clerk